

Dated: 1/22/2019

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	CASE NO. 317-03699
)	
)	CHAPTER 13
HOWARD WAYNE FINCH,)	
)	
Debtor,)	JUDGE MARIAN F. HARRISON
)	
HOWARD WAYNE FINCH,)	
)	
Plaintiff,)	
)	
vs.)	ADV. NO. 3:18-ap-90082
)	
NATIONSTAR MORTGAGE LLC,)	
CENTEX HOME EQUITY LOAN)	
TRUST 2002-A,)	
)	
Defendants.)	

PRETRIAL ORDER

At the pretrial conference held in Nashville, Tennessee, on January 9, 2019,
the following counsel appeared:

Keith D. Slocum, Attorney for Plaintiff.

Bret Jacob Chaness, Attorney for Defendants.

PLEADINGS

No further pleadings will be filed in this matter except with leave of Court.

STATEMENT OF THE ISSUES

1. Whether the Defendant's claim should be allowed?
2. Whether the Defendant has violated Rule 3002.1, and if so, what is the appropriate remedy?
3. Whether the Defendant has committed fraud, and if so, what is the appropriate remedy?
4. Whether the Defendant breached the contract between the parties, and if so, what is the appropriate remedy?
5. Whether the Defendant should be held in contempt and sanctioned under 11 U.S.C. § 105?

FINAL DISPOSITION

All parties consent to final disposition of this adversary proceeding by the bankruptcy court.

INITIAL DISCLOSURES

Fed. R. Civ. Proc. 26 disclosures will be managed by agreement by the parties.

DISCOVERY

The parties are directed to conduct discovery so that all discovery will be completed not later than ***June 11, 2019***. Discovery which would require a later due date

shall be permitted only on an order of court or by filed stipulation of the parties, and only if the trial will not be delayed.

MOTIONS

Centex Home Equity Loan Trust 2002-A and Nationstar Mortgage LLC's motion to dismiss will be heard on ***April 9, 2019 at 9:30 a.m. in Courtroom Three, 2nd Floor, Customs House, 701 Broadway, Nashville, Tennessee.*** Response to Defendants's motion to dismiss shall be filed on or before ***March 19, 2019.*** Further responses shall be filed on or before ***March 27, 2019.***

Any remaining pretrial motions involving issues that may need to be addressed before or at the beginning of the trial shall be filed with the Court no later than ***seven (7) days*** prior to the commencement of trial.

WITNESSES

The names of witnesses, their addresses and a brief summary of the area of testimony of each witness shall be furnished to opposing counsel immediately upon discovery, but in no event later than ***seven (7) days*** prior to the trial date. The length of time required for giving notice of taking of depositions as to any witness not disclosed until five days before trial shall be reduced if the usual time cannot be given because of the imminence of trial.

Inability to require the attendance of a witness at trial shall not be the basis for a motion for continuance of the trial unless a written subpoena has been issued at least *seven (7) days* prior to the trial date.

EXHIBITS

By close of business on June 21, 2019, the parties shall:

1. Pre-mark all exhibits, with the plaintiff using numbers beginning with **1001** and the defendant using numbers beginning with **2001**.
2. Exchange copies of pre-marked exhibits and make available for inspection, upon request, the originals thereof.
3. File and exchange exhibit lists.
4. ***Deliver three copies of the exhibits and exhibit list to Carol Merritt, Courtroom Deputy.***

ELECTRONIC EVIDENCE

The parties shall comply with the Electronic Evidence Procedures (“EEP”) for the electronic submission of evidence using the Electronic Evidence Submission Application (“EESA”) accessible through the Electronic Case Filing system (“ECF”). The parties are responsible for accessing and presenting electronic evidence in the courtroom.

STIPULATIONS

The parties will confer and file with the Court *by close of business on June 21, 2019*, detailed stipulations of fact and stipulations concerning the authenticity and admissibility of documents and exhibits.

PRETRIAL BRIEFS

Pretrial briefs discussing applicable law shall be filed *by close of business on June 21, 2019*.

TRIAL DATE

Trial will commence on *June 27, 2019 at 9:00 a.m. in Courtroom Three, 2nd Floor, Customs House, 701 Broadway, Nashville, Tennessee*.

ALTERNATIVE DISPUTE RESOLUTION

Mediation by an ADR neutral will be scheduled upon request by any party.

EFFECT OF PRETRIAL ORDER

This action shall proceed to trial pursuant to the stipulations of the parties and this order and no amendments shall be made to this order except upon written motion and for good cause shown. *Failure to comply with requirements of this order may result in dismissal of the action, default, assessment of costs including attorney's fees, or other penalties.*

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS
INDICATED AT THE TOP OF THE FIRST PAGE.